

## Traffic Violations, Traffic Law Enforcement and Infringement Notices (Fines) in South Africa

Recently a question was posed to the Minister of Transport, with regards to Traffic Infringement Notices being issued. The Minister duly replied to this.

Question Number: 3034

Adv A de W Alberts (FF Plus) asked the Minister of Transport:

(1) Whether, with reference to his reply to question 2055 on 29 June 2018, it has been made public in the meantime that the municipal councils of Ventersdorp, Ethekwini, Tlokwe, Midvaal and all jurisdictions where Total Client Services Ltd (TLC) operates as service provider on behalf of the municipal authority, have ignored the appointment of an agent (a proxy) and issue fines and summons directly to the owners of motor vehicles, causing perplexing consequences;

(2) whether he is taking steps against the authorities and the service provider on the strength of evidence that, in this regard, the National Road Traffic Act, Act 93 of 1996, is violated by them in the manner specified; if not, why not; if so, what are the relevant details

REPLY:

(1) The issuance of road traffic related fines directly to the owner of the motor vehicle is not in line with the provisions of section 341 of CPA read with the regulation 336 of the National Road Traffic Regulations, 2000. In most instances the relevant prosecutors withdraw the charges as the notice was not properly issued. The Department will engage with the Road Traffic Management Corporation to advise the authorities to issue fines in accordance with the prescripts of legislation.

(2) The matter has not been brought to the attention of the Department, however we will be engaging with the Road Traffic Management Corporation to ensure that such practice is discontinued.

Just to refresh: CPA is the National Criminal Procedures Act. Currently there are 241 CPA traffic authorities, and some of these are managed by Total Client Services.

It is these authorities to which the question above refers. These authorities issue fines to the business registration number, if the vehicle in question is registered with a business as owner, and not to the proxy of the business, which is in contravention of the Act.

The bottom line is that these fines must be withdrawn. BUT.

The traffic authorities do not simply withdraw. Representation must be submitted, requesting that the fine be withdrawn.

Traffic Fine Manager will assist with all representations and can advise whether a fine was issued correctly or not.

Contact [fines@trafficfinemanager.co.za](mailto:fines@trafficfinemanager.co.za) for your queries.